

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Prisons Department – Kilari Venkateswarlu, C.T.No.9098 – Central Prison, Nellore – Special Remission granted on the occasion of 2nd October, 2013, Gandhi Jayanthi – Released in terms of G.O.Ms.No.220, dated 28-09-2013 – Cancellation of Special Remission under section 432 (3) of Cr.Pc 1973 - Orders – Issued.

HOME (PAROLE) DEPARTMENT

G.O.Ms.No. 90

Dated:05-05-2014

Read the following:

- 1.G.O.Ms.No.220, Home (Parole) Department, dated 28-09-2013
- 2.G.O.Ms.No.286, Home (Parole) Department, dated 21-12-2013
- 3.From the Director General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad Letter No.RC2/11/2014, dated 21-12-2013.

ORDER:

Whereas, the convict by name Kilari Srinivasulu who is undergoing sentence at Prisoners' Agricultural Colony, Ananthapur has approached the Hon'ble High Court of Andhra Pradesh by filing WP No.235/2014 through his daughter alleging that though he was eligible for State Remission, he was not released from the prison on the grounds that the deceased is 17 years and whereas, another co-accused in the same case, Kilari Venkateswarlu was granted Special Remission and was released from the Central Prison, Nellore;

2. And whereas, Kilari Srinivasulu along with (18) others, were involved in murder of Chandra Venkateshwarlu S/o Tirupataiah, 17 years in S.C.No.355/1998 on the file of the Hon'ble II Additional District & Sessions Judge, Ongole. In the said case the (3) accused, namely Kilari Srinivasulu (A1), Kilari Madhu (A2) and Kilari Venkateshwarlu (A8) were sentenced to undergo Rigorous Imprisonment for life each and to pay a fine of Rs.1000/- each in default Simple Imprisonment for one month for the offence under section 302 read with 34 Indian Penal Code;

3. And whereas, the Government have taken a policy decision on the occasion of 2nd October, 2013, Gandhi Jayanthi to grant remission of sentence to life convicted prisoners who had been convicted for the offences against laws relating to matters to which the executive power of the State extends;

4. And whereas, guidelines were issued accordingly vide G.O first read above, constituting a Committee under the Chairmanship of the Special Chief Secretary, Home (Prisons) Department to review the list of eligible life convicted prisoners. Based on the proposals of the Director General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad and the recommendations of the Standing Committee, orders were issued vide G.O second read above releasing the (390) life convicted prisoners including the convict, Kilari Venkateshwarlu and accordingly, he was released from the Central Prison, Nellore along with the other life convicted prisoners at Sl.No. 294 of Annexure –I;

5. And whereas, the Director General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad in his letter third read above has stated that the Superintendent of Jails, Prisoners' Agricultural Colony, Anantapur while submitting the case of C.T.No.4027, Kilari Srinivasulu has furnished the lower court Judgement and connected details. The Committee constituted for

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recommendation of premature release of life convicts have taken the Juvenile Justice Act, 2000 into consideration for recommendation of the life convicts according to which a child or juvenile means a person who has not completed eighteenth year of age. The Lower Court Judgement in this case has shown the age of the deceased as 17 years by which the convict has become ineligible for special remission as per para 4(ix) of G.O.Ms.No.220, Home (Prisons) Department, dated 28-09-2013 which states that **“the life convicts who have committed offence / offences against children” are not eligible for release under special remission”**

6. And whereas, the Superintendent of Jails, Central Prison, Nellore while submitting the case of CT.No.9089, Kilari Venkateshwarlu, Central Prison, Nellore has furnished the Judgement copy of the Supreme Court in which the age of the deceased was not available. Based on the Judgement copy of the Supreme Court, the case was recommended by the Committee and his name was listed in G.O.Ms.No.286, Home (Parole) Department, dated 21-12-2013. The Superintendent of Jails, Central Prison, Nellore did not notice this omission and therefore the convict, Kilari Venkateshwarlu was released against the guidelines issued vide G.O first cited;

7. And whereas, the Director General of Prisons and Correctional Services, A.P, Hyderabad has requested the Government to issue necessary orders to delete the name of CT No.9089, Kilari Venkateshwarlu from G.O second read above and also to re-arrest the said prisoner;

8. Now, therefore, the Government after careful examination and consideration of the report of the Director General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad hereby cancel the special remission granted to the life convicted prisoner, Kilari Venkateshwarlu s/o Atchaiahgari Venkaiah under sub-section (3) of section 432 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and order him to undergo the unexpired portion of sentence since the ex-convict has become ineligible as per para 4(ix) of G.O.Ms.No.220, Home (Prisons) Department, dated 28-09-2013.

9. The Director General of Police / Director General of Prisons and Correctional Services, A.P, Hyderabad is requested to take necessary action to apprehend the ex-convict, Kilari Venkateshwarlu and furnish action taken report to the Government at an early date.

(BY THE ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

T.P.DAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
The Director General of Prisons and Correctional Services, Andhra Pradesh,
Hyderabad
The Director General of Police, Andhra Pradesh, Hyderabad.
The Superintendent of Jails, Central Prison, Nellore.

Copy to
Director, Information and Public Relations, A.P, Hyderabad.
Secretary to Governor of Andhra Pradesh, Hyderabad.
The Law (E) Department.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER